

August 12, 2004

The Honorable Michael Powell
Chairman

The Honorable Michael Copps
Commissioner

The Honorable Jonathan Adelstein
Commissioner

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket Nos. 01-338, 96-98 and 98-147

Dear Chairman Powell, Commissioner Copps and Commissioner Adelstein:

On behalf of 11 member companies of the Coalition for High-speed Online Internet Competition and Enterprise (“CHOICE”), we write to thank you for your recent statements in favor of preserving line sharing. CHOICE member companies provide facilities-based broadband competition across the nation, in many cases reaching rural communities previously unserved with broadband. Although many of us are small companies operating in rural communities, we have made the capital investment needed to bring broadband to our customers. The availability of line sharing has been critical in our efforts to ensure that the communities we serve can access the benefits of the Information Age. Line sharing has enabled our companies to offer broadband in previously unserved communities, offer lower broadband prices to consumers, and spur the deployment of competitive broadband. Without line sharing, at best the communities we serve would be left with a choice between only cable modem and phone company DSL – while in other cases, the communities we serve would be left without any broadband choice at all. The CHOICE Coalition has submitted extensive evidence in support of continued access to line sharing,¹ and the case for line sharing is even more compelling in light of recent developments following the D.C. Circuit’s decision to vacate the Commission’s unbundling rules.

Given the great benefits line sharing has brought to the communities we serve, we were pleased to see recent press reports of supportive statements from each of you in favor of taking action now to preserve line sharing.² Chairman Powell, the CHOICE Coalition strongly agrees that line sharing was a pro-competitive measure that promoted facilities-based alternatives for broadband competition. Commissioner Copps, we were grateful to read that you “support the concept of line-sharing,” and would “welcome an item on how to bring line-sharing back.”³ Commissioner Adelstein, we agree with you

¹ See, e.g., Emergency Joint Petition for Stay by the CHOICE Coalition, filed in WC Docket Nos. 01-338, 96-98 and 98-147, Aug. 27, 2003.

² See TR Daily, Aug. 3, 2004 and Aug. 4, 2004.

³ See TR Daily, Aug. 3, 2004.

that, as a result of the impending phase out of line sharing, consumers are facing “fewer choices,” while “industry is desperate to understand the rules of the game.”⁴ Thus, we were heartened to read that you “welcome the opportunity to review any item on line sharing or otherwise that the Chairman circulates to keep competition alive.”⁵ Prior to these supportive statements, we feared that the Commission might not act to preserve line sharing before the October 2004 date cutting off access to new customers. In light of this impending deadline, your statements have been of great encouragement to us. We are heartened that a majority of sitting FCC Commissioners support taking action now to preserve access to line sharing.

Chairman Powell, we agree with you that it is of utmost importance that the Commission work together to find a bipartisan consensus and move in the most unified way possible in preserving line sharing.⁶ Therefore, Chairman Powell, we strongly encourage your efforts to find an appropriate procedural mechanism to preserve line sharing, and appreciate your expressed willingness to work with your fellow Commissioners to find such a procedural vehicle.⁷

It is critical for the Commission to act to preserve line sharing before October. The CHOICE Coalition asks all of you to act quickly, to shield the communities we serve from the disruption that the pending October deadline will surely create. Accordingly, we ask you to work together to issue new rules preserving access to line sharing. We also ask you to work together to order interim line sharing relief needed to maintain the status quo while rules preserving line sharing are being developed. We believe that, in this way, the Commission can best live up to the goals of preserving line sharing competition that we all share.

Respectfully submitted,

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/s/
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/s/
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⁴ See TR Daily, Aug. 4, 2004.

⁵ See *id.*

⁶ See TR Daily, Aug. 4, 2004.

⁷ See TR Daily, Aug. 3, 2004.

_____/s/
Frederick Samp, General Counsel
Biddeford Internet Corp., d/b/a
Great Works Internet

_____/s/
Mary McDermott, Senior Vice President-
Legal and Regulatory Affairs
NTELOS Inc.
NTELOS Network Inc.
R&B Network Inc.

_____/s/
Kirk Hundertmark, Secretary & Treasurer
Twin Rivers Valley Internet Services Inc.,
d/b/a Twin Rivers Valley Telephone
TRV Communications

_____/s/
Vernon Burke, President
Skowhegan OnLine, Inc.

_____/s/
Ian Cope, Chief Technical Officer
DSL Internet Corporation

_____/s/
Carl Oppedahl, Director
Ruby Ranch Internet Cooperative
Association

_____/s/
Glenn Rauh, President
MTCO Communications, Inc.

_____/s/
Dennie Mecham, Area Manager
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_____/s/
Jeremy L. Katz, Chief Executive Officer
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VIA ELECTRONIC FILING (signatures on file)